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Note verbale dated 30 June 2004 from the Permanent Mission of Chile to the United Nations addressed to the President of the Security Council

The Permanent Mission of Chile to the United Nations presents its compliments to the Permanent Representative of Romania to the United Nations, in his capacity as President of the Security Council for July, and has the honour to attach the assessment of Chile's Presidency of the Security Council in January 2004, for circulation as a document of the Security Council.

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Annex to the note verbale dated 30 June 2004 from the Permanent Mission of Chile to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of Chile (January 2004)

Summary

During the month of January 2004, the Security Council was presided over by Ambassador Heraldo Muñoz, Permanent Representative of Chile to the United Nations. During the month, the Council completed an extensive programme of work and held 25 meetings, 8 of which were public meetings, 3 open debates, 5 private meetings and 9 closed debates. The Council also adopted five resolutions, on the situation in the Democratic Republic of the Congo, the situation in Western Sahara, the situation in Georgia, the situation in the Middle East, and threats to international peace and security; it adopted two statements by the President, on small arms and post-conflict national reconciliation. The President of the Security Council also issued seven statements to the press, on the situation in Afghanistan, the situation in Ethiopia and Eritrea, the situation in Sierra Leone, the activities of Lakhdar Brahimi in Afghanistan, the situation in Burundi, the situation in the Central African Republic, and once again on the situation in Ethiopia and Eritrea.

The open debates held during the month concerned the issues of children in armed conflict, post-conflict national reconciliation, and small arms; the meetings on the first two issues were chaired by the Minister for Foreign Affairs of Chile, Soledad Alvear Valenzuela, and the third meeting by the Permanent Representative of Chile to the United Nations. During those meetings, at which authorities and experts on the respective subjects from the United Nations and its agencies were present, all of the members of the Security Council participated, followed by a large number of delegations interested in contributing to the debate.

In addition, at an open meeting, Ambassador Heraldo Muñoz, in his capacity as Chairman of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban, presented the report on the work done by the Committee and the status of implementation of the sanctions provided for in the relevant resolutions of the Security Council, proposing measures to enhance international cooperation aimed at preventing financial support for terrorism and ensuring the implementation of national measures of a political and legal character, which are essential in the struggle against terrorism.

Public meetings

Children in armed conflict

The Council held an open debate on the situation of children in armed conflict, an issue that has been dealt with by this organ since 1998.

The open debate was presided over by the Minister for Foreign Affairs of Chile and was attended by the Special Representative of the Secretary-General on this question, Olara Otunnu, who submitted a new report on developments in legal protection and in the various situations faced by children in armed conflict. Others

making statements included the Executive Director of UNICEF, Carol Bellamy, and 40 representatives of States Members of the Organization, including all of the members of the Security Council.

The debate revealed two facts:

(a) That a general and specific legal framework exists that protects the rights of children in armed conflict. The most recent of these include the Convention on the Rights of the Child, the Optional Protocols thereto, ILO Convention No. 182, the Rome Statute of the International Criminal Court and the resolutions of the Council itself;

(b) That the implementation of the aforementioned legal framework is inconsistent. The Secretary-General himself has stated that it is necessary to enter into the "era of application".

The debate, as was the case in many other areas, drew attention to the imbalance between the progressive development of international law in recent times and the continuing failure to comply with its norms.

Conscious of the grave violations suffered by boys and girls who are used and recruited as soldiers and of the abuses that accompany this situation (sexual abuse, mutilation, abduction, forced labour, separation from their families, lack of identity and status as refugees, among many others), the Security Council agreed on the need to continue working to improve the implementation of the existing legal framework. It reiterated the necessity of identifying the guilty parties (countries or groups) and repeat offenders in the lists annexed to the report of the Secretary-General. At the same time, there was a general agreement to expand the above-mentioned lists to include other types of violation.

The above-mentioned public meeting was preceded by an "Arria formula" meeting, convened by the delegation of France, the participants in which included representatives of the members of the Security Council and of important members of the alliance of non-governmental organizations, Watchlist on Children and Armed Conflict, namely, Save the Children, Human Rights Watch, CARE International and World Vision.

The meeting provided an opportunity for an exchange of views between representatives of civil society and Governments on the topic and on the steps that needed to be taken to continue to make progress, and it contributed to a better understanding of the situation of children in armed conflict. France submitted a draft resolution on children in armed conflict.

Committee on sanctions against Al-Qaida and the Taliban

Ambassador Heraldo Muñoz, in his capacity as Chairman of the Committee, submitted to the Security Council a report on the work done and on compliance with the sanctions by Member States. He also proposed measures to improve international cooperation and to ensure that States that provided extraterritorial financial services cooperated with the countries of residence of the individuals or entities to ensure that no financial resources could be used to support terrorist activities. He added that the principal objective of the work of the Committee in 2004 would be for all Member States to continue to focus their attention on the

problem of terrorism and for national measures against terrorism to include appropriate policies and activities.

The Council unanimously adopted resolution 1526 (2004) on threats to international peace and security caused by terrorist acts, the draft of which was submitted by Chile, the United States of America and the Russian Federation and which was adopted as a text of the President. It contains a number of provisions to strengthen the sanctions regime; the Council, inter alia:

- Reaffirmed the need to combat by all means threats to international peace and security caused by terrorist acts.
- Demanded the immediate freezing of the economic and financial resources of individuals or entities that have been identified as linked to Osama bin Laden or the organization known as Al-Qaida or the Taliban.
- Demanded that Member States prevent those individuals and entities from transiting through their territories.
- Prohibited the sale or transfer of weapons, military or paramilitary equipment to the individuals or groups in question.
- Urged States to act vigorously and decisively to cut the flow of funds and other financial assets and economic resources to individuals and entities associated with the Al-Qaida organization, Osama bin Laden and/or the Taliban, and, in particular, for the first time included the idea of regulating non-profit organizations and unofficial or alternative money transfer systems.
- Requested States to establish internal requirements and procedures for the trans-border movement of currency.
- Once again established a panel of experts to assist the Committee in its work. This time, in addition to performing the work of monitoring the implementation of the sanctions, the panel is required to undertake analytical work and will have a more clearly defined role in supporting the work of the Committee. The number of experts has been increased from five to eight.
- Requested States that have not submitted their reports in accordance with resolution 1455 (2003) to do so no later than 31 March 2004, or, failing that, to explain the reasons why they have not complied with this requirement. A list will later be published of those States that have not done so and will include an analytic summary of the reasons for their failure as given by the States themselves.

Open debate on post-conflict national reconciliation: the role of the United Nations

The Security Council held an open debate on 26 January, proposed by Chile, on post-conflict national reconciliation: the role of the United Nations. The debate was chaired by the Minister for Foreign Affairs of Chile, who introduced the topic, read a message sent by the South African Archbishop and Nobel Peace Prize winner, Desmond Tutu, and made a statement on behalf of the Chilean delegation.

The Assistant Secretary-General for Political Affairs, the Assistant Secretary-General for Humanitarian Affairs and the Administrator of the United Nations Development Programme presented an institutional vision of reconciliation, which

guided the discussion. The debate continued with statements by the members of the Council followed by those of other Members of the United Nations.

There was a consensus that there are no universal solutions for reconciliation but that there is a series of criteria that must be fulfilled. It was also agreed that reconciliation is a complex process that can be subject to particular timing and modalities that cannot be imposed from outside.

It was noted that there is a close relationship between peace, reconciliation and justice. Peace is lasting insofar as it is based on reconciliation. Justice is an essential component of reconciliation. The value was reaffirmed of truth and reconciliation commissions, national tribunals, ad hoc international tribunals and the International Criminal Court as instruments in the process of reconciliation. Compensation for victims is another key component. Emphasis was placed on the vital role of civil society and the sense of belonging that must exist in any process of reconciliation.

Women are particularly well placed to contribute to processes of reconciliation and account should be taken of the particular situation of children.

With different emphases, note was taken of the linkages between the economic and social context and processes of reconciliation, as well as the rule of law and the promotion and protection of human rights as issues that are inherent in processes of reconciliation.

The delegations assigned an important role to the United Nations in facilitating and orienting processes of reconciliation. This support should take the form of the presentation of options and not of guiding the processes. Some delegations indicated that it was necessary to pursue a comprehensive approach. The benefit was pointed out of identifying elements of the process of reconciliation present in numerous peacekeeping operations, including those in Afghanistan, Angola, Burundi, Côte d'Ivoire, Kosovo, Liberia, Sierra Leone and Timor-Leste.

As a result of the debate, agreement can be said to have been reached that national reconciliation is one of the objectives of multilateral action in post-conflict situations.

In the presidential statement that was approved at the conclusion of the meeting (S/PRST/2004/2), the Council, inter alia, invited the Secretary-General to take account of the views expressed during the debate in the preparation of his report on the role of the United Nations in the promotion of justice and the rule of law. It also invited all States Members of the United Nations and other parts of the United Nations system with relevant experience and expertise to contribute to this process.

On 22 January, the Permanent Representative of Chile to the United Nations convened a meeting under the Arria formula, in preparation for the open debate on this topic. Participants in the debate included representatives of Amnesty International, Human Rights Watch, the International Center for Transitional Justice and the International Peace Academy. The meeting used as background two "non-papers" prepared by the Permanent Representative of Chile on the issues raised in the debate. The meeting provided a better understanding of the approach of the principal non-governmental organizations to the problem of reconciliation and their suggestions as to measures that the United Nations could adopt in this area.

Small arms

Small arms was the subject of another open debate, which was convened to consider the report of the Secretary-General on the status of implementation of the 12 measures contained in the recommendations of the Secretary-General on this matter. All the members of the Council spoke during the debate, followed by 21 other Member States. The representatives expressed appreciation for the content of the report, which notes the progress achieved, and identified areas in which the implementation of concrete measures is still needed.

Special mention was made of the adoption by the General Assembly of resolution 58/241, by which it established a working group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. The Council approved a statement of the President on this question (S/PRST/2004/1).

Afghanistan

A public meeting and private consultations were held on 15 January with the participation of the Special Representative of the Secretary-General, Lakhdar Brahimi, who delivered a comprehensive statement on the political, economic and social situation in Afghanistan, which included an analysis and projections of the country's future. This was the last participation by Mr. Brahimi on this topic since he has completed his work as Special Representative of the Secretary-General in Afghanistan and has assumed other functions as Special Adviser to the Secretary-General. The Secretary-General was present at the meeting and paid a tribute to his Special Representative in a statement in which he praised the outstanding work done in Afghanistan during the past two years. He also referred to recent progress made, such as the adoption of the new constitution by the Constitutional Loya Jirga, and alluded to some of the main challenges facing the country. Mr. Brahimi drew attention to some elements of the report of the Secretary-General (S/2003/1212):

- He drew attention to the adoption of the new constitution by the Loya Jirga and said that this should be a source of pride for the people of Afghanistan, who, despite the adversity that they continued to face, had succeeded in reaching agreement on a constitution through peaceful dialogue.
- He referred to the main problems that they would continue to face, including in particular the reform of the security sector and the grave difficulties that existed for security in the south, east and south-east of the country.
- He spoke in considerable detail of the main elements of the electoral process, the expansion of the International Security Assistance Force, and the situation with regard to the production of and trafficking in narcotic drugs.
- He indicated that, with respect to a base of popular support for the Government, there were certain deficiencies in the Loya Jirga, for example, the lack of support of the Pashtuns, who considered that they did not have adequate representation in the current Government; this was compounded by the fact that assistance has reached the regions where they live more slowly because of problems relating to lack of security.
- In the economic field, he indicated that the costs calculated at the Tokyo Conference should be reviewed. He said that, with a view to filling this gap, he

had circulated an unofficial document in which he had made a recommendation on the content of a possible new international donor conference to analyse and review the above-mentioned aspects.

- Both the Secretary-General and the Special Representative expressed the view that the necessary renewed commitment of the international community and the Government of Afghanistan to the continuation and completion of the transformation process beyond Bonn could best be mobilized by a further international conference on Afghanistan.

For their part, the members of the Council generally praised and congratulated the Special Representative of the Secretary-General for his long service at the head of the United Nations Assistance Mission in Afghanistan. They also stated that, despite the progress achieved under the Bonn Agreement, much more remained to be done to make the peace process irreversible, and they commented on the various aspects touched upon in the report of the Secretary-General. The German delegation expressed the readiness of the Government of Germany to host jointly with the Government of Afghanistan another international conference on Afghanistan. A statement to the press by the President of the Security Council on the situation in Afghanistan was adopted (SC/7979).

Private meetings

Iraq

The Security Council received in a private meeting a large delegation of the Governing Council of Iraq. The meeting was attended by the Secretary-General. The President of the Governing Council for the month of February, Adnan Pachachi, reported on the progress achieved recently in his country and remaining problems, and requested the Secretary-General to send a mission to determine the feasibility of holding direct elections at an early date. The Secretary-General subsequently decided to dispatch a fact-finding mission to Iraq, led by his Special Adviser, Lakhdar Brahimi.

Abkhazia, Georgia

The Security Council held a private meeting on Georgia, as agreed on 23 January, to receive the Minister for Special Affairs of Georgia, Malkhaz Kakabadze.* The Special Representative of the Secretary-General, Heidi Tagliavini, introduced the report of the Secretary-General (S/2004/26) and announced that a review meeting of the Group of Friends would be held at Geneva in the second half of February.

The Minister for Special Affairs of Georgia expressed his appreciation to the Special Representative for her work, and reaffirmed Georgia's commitment to a peaceful settlement of the conflict. He stated that economic recovery could not be used as a substitute for a political settlement. He concluded by inviting the Security Council mission to visit Georgia and Abkhazia.

* In accordance with rule 37 of the provisional rules of procedure of the Security Council.

The members of the Council expressed support for the Special Representative and their full backing for the United Nations Observer Mission in Georgia (UNOMIG) and for the Geneva recommendations and Sochi agreements.

Meetings of troop-contributing countries

The Council held three private meetings with troop contributors to the missions in Georgia (UNOMIG), Lebanon (UNIFIL) and Western Sahara (MINURSO).

Africa

Ethiopia and Eritrea

The Security Council received the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, who introduced the most recent report of the Secretary-General on the situation in Ethiopia and Eritrea (S/2003/1186) and on progress towards the implementation of resolutions 1320 (2000) and 1434 (2002), particularly with regard to the commitments undertaken in the Algiers Agreements, including the agreement on the Boundary Commission.

In his presentation, the Assistant Secretary-General reported that, despite the difficulties encountered in the peace process owing to the delay in the demarcation of the boundary and the rise in inflammatory rhetoric between the two countries, the overall situation in the Temporary Security Zone and adjacent areas was one of relative stability. He deplored the absence of political dialogue and the continuing delays in the implementation of the decision of the Boundary Commission, as well as the increasing restrictions on the freedom of movement of personnel of the United Nations Mission in Ethiopia and Eritrea.

In conclusion, he reiterated the need for the Security Council and other interested countries to remain firmly committed to the peace process and to support the Secretary-General in the new initiatives aimed at facilitating dialogue and building trust between the two countries, with a view to the full implementation of the Algiers Agreements and the decision of the Boundary Commission.

The Council adopted a press statement on this subject (SC/7972).

Sierra Leone

In consultations held on 9 January, the majority of the Council's members welcomed the implementation of the withdrawal plan for the United Nations Mission in Sierra Leone in accordance with the schedule provided for in resolution 1492 (2003) and the fact that responsibility for security matters had been gradually transferred to the police and army of Sierra Leone. They welcomed the stable situation in Sierra Leone and the appointment of the new Special Representative of the Secretary-General for Sierra Leone, Daudi Mwakawago (United Republic of Tanzania). The Council would receive a report of the Secretary-General in March with recommendations on a future United Nations presence. The Council adopted a press statement on this question (SC/7974).

Côte d'Ivoire

In consultations held on 15 January, the Assistant Secretary-General for Peacekeeping Operations presented to the Security Council the report of the Secretary-General on the United Nations Mission in Côte d'Ivoire (S/2004/3), which contained recommendations to increase the United Nations presence in that country. France circulated a draft resolution for the creation of a United Nations Operation in Côte d'Ivoire (UNOCI).

Democratic Republic of the Congo

The Security Council unanimously adopted resolution 1522 (2004), in which it decided that its demand for the demilitarization of Kisangani and its surroundings, set out in paragraph 3 of resolution 1304 (2000), would not apply to the restructured and integrated forces of the Democratic Republic of the Congo and the armed forces included in the comprehensive programme for the formation of an integrated and restructured national army. France submitted a draft text to complement the resolution for the creation of a mechanism to monitor the weapons embargo imposed in resolution 1493 (2003).

Central African Republic

At a meeting held on 23 January the members of the Council heard a presentation by the Special Representative of the Secretary-General for the Central African Republic, General Lamine Cissé, of the report on the situation in the Central African Republic and the activities of the United Nations Peace-building Support Office in that country (S/2003/1209).

General Cissé reported on the establishment of an inter-ministerial commission, the new electoral timetable and the urgent need for the international community to assist the Central African Republic in the preparation of future general elections (municipal, legislative and presidential). He also warned of the worsening of the security conditions both in Bangui and in the interior of the country. He commented on the poor state of the economy and the serious financial and budgetary problems faced by the transitional Government.

The various members of the Council that took the floor drew attention to the fact that the Central African Republic was now at a critical juncture. They welcomed the considerable progress made in the political dialogue. There was general agreement on the precarious security conditions and the serious socio-economic crisis facing the country.

The President of the Council held a meeting on the question with the Minister for Foreign Affairs of the Central African Republic.

Mission to West Africa

At a public meeting held on 23 January the Security Council took note of the progress report of the Secretary-General on the recommendations of the Council's mission to West Africa in July 2003. The delegations observed that since then there had been significant progress in the region and agreed on the importance of adopting a regional approach, since most of the problems faced were transnational in nature.

United Nations Mission for the Referendum in Western Sahara

The Council heard the report of the Secretary-General on the activities of the Identification Commission, which completed its mission on 31 December 2003. With regard to the activities of the military component of MINURSO, these continue to be focused on the monitoring of the ceasefire, and the zone for which it is responsible remains calm. It was proposed to extend the mandate of MINURSO until 30 April 2004 to give Morocco time to take a final decision on the implementation of the most recent peace plan proposal of the Special Envoy of the Secretary-General, James Baker. The Council adopted resolution 1523 (2004), by which it extended the mandate of MINURSO to 30 April 2004.

Middle East

Lebanon

In conformity with resolution 1353 (2001), the Security Council held a private meeting with troop contributors to the United Nations Interim Force in Lebanon (UNIFIL).

On 28 January, in private consultations, the Assistant Secretary-General for Peacekeeping Operations reviewed with the Security Council the report of the Secretary-General on UNIFIL (S/2004/50). He emphasized that, in view of the conditions prevailing in the region, the Secretary-General was recommending that the Security Council extend the mandate of UNIFIL until 31 July 2004.

The Security Council unanimously adopted resolution 1525 (2004) extending the mandate of UNIFIL for a further period of six months, until 31 July 2004.

The situation in the Middle East, including the Palestinian question

The Security Council held its monthly public briefing on the situation in the Middle East, including the Palestinian question. The Under-Secretary-General for Political Affairs, Kieran Prendergast, reported to the Council on the most recent developments and stated that the peace process remained stalled. The Council later continued its discussions in private consultations.

Europe

United Nations Observer Mission in Georgia

The Security Council received the report of the Secretary-General regretting the fact that the de facto leadership in Abkhazia persisted in its refusal to consider as the basis for negotiations the document of the Secretary-General entitled "Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi" and its transmittal letter, as well as the difficulties in deployment of the civil police component of UNOMIG. The Council adopted resolution 1524 (2004), by which it renewed the mandate of UNOMIG until 31 July 2004. The draft was prepared by the Group of Friends of the Secretary-General.